

REMARKS

Claims 79-142 are pending in this application. By this Amendment, claims 1-78 are canceled, and claims 79-142 are added. Reconsideration and allowance in view of the following remarks are respectfully requested.

USPTO Interview

Applicant appreciates the courtesies extended to Applicant's representative at the September 3, 2008 personal interview. The points discussed are incorporated into the above amendments and the following remarks.

Rejection of Claims Under 35 U.S.C. §103(a)

The Office Action rejects claims 1-55, 57-64, 66-74, 77 and 78 under 35 U.S.C. §103(a) as being unpatentable over Hoffberg (U.S. Patent No. 6,850,252), claims 56 and 65 under 35 U.S.C. §103(a) as being unpatentable over Hoffberg, in view of Gropper (U.S. Patent No. 6,883,000), and claims 75 and 76 under 35 U.S.C. §103(a) as being unpatentable over Hoffberg in view of Houghton (U.S. Patent Publication No. 20020124247).

Applicant asserts that Hoffberg, Gropper, and Houghton do not disclose or suggest, either alone or in combination, at least "a handheld remote control device..." that includes "a channel control transmitter operative to transmit a channel control signal to tune a broadcast receiver to a station channel upon which the broadcast content is presented, the broadcast content being broadcast by one or more broadcast networks... wherein the one or more broadcast networks are at least one of a television network, cable television network, satellite television network, radio network, and satellite radio network," an interactive receiver that receives a query from a client

transmitter through a network separate from the one or more broadcast networks, wherein the query concerns a question about a selected portion of the broadcast content,” and “an interactive transmitter that transmits a response to the query to a client receiver that processes the response through the network separate from the one or more broadcast networks,” as recited in independent claim 79, and similarly recited in independent claims 89, 97, 107, 112, 118, 123, 132, and 138.

Hoffberg discloses a set top box for interacting with broadband media streams that includes an adaptive user interface, content-based media processing and/or media metadata processing, and telecommunications integration. An adaptive user interface models the user, by observation, feedback, and/or explicit input, and presents a user interface and/or executes functions based on the user model. A content-based media processing system analyzes media content, for example audio and video, to understand the content, for example to generate content-descriptive metadata. A media metadata processing system operates on locally or remotely generated metadata to process the media in accordance with the metadata, which may be, for example, an electronic program guide, MPEG 7 data, and/or automatically generated format. The set top box preferably includes digital trick play effects, and incorporated digital rights management features. *See e.g., Abstract.*

As discussed in the September 3 personal interview, Hoffberg uses a set top box to develop a user model to present a “custom” user interface to a user through the set top box. However, Hoffberg does not disclose a handheld remote control that can transmit channel control signals to devices that receive broadcast content from one or more broadcast networks, and a receiver and transmitter that receive a query through a network separate from the one or more

broadcast networks, and transmit a response to the query through the network separate from the one or more broadcast networks, as recited in Applicant's claimed invention.

Gropper and Houghton do not overcome the above-noted deficiencies of Hoffberg. Gropper discloses an Internet based business card and contact management system capable of conveying and managing advertising as well as traditional and other non-traditional business contact information. *See e.g., Abstract.* Grouper does not concern handheld remote controls, as in Applicant's claimed invention.

Houghton discloses systems and techniques for polling interactive television viewers by preparing a set of polling requests, connecting to one or more set top systems of one or more interactive television viewers, sending the set of polling requests to the one or more set top systems of the one or more interactive television viewers, receiving responses to the set of polling requests, evaluating the responses to the set of polling requests, and preparing a new polling request including two or more elements selected based on the evaluation of the response to the set of polling requests. *See e.g., Abstract.* Thus, Houghton concerns the use of set top boxes and does not concern handheld remote controls, as in Applicant's claimed invention.

Therefore, Applicant asserts that the cited references do not disclose or suggest "a handheld remote control device..." that includes "a channel control transmitter operative to transmit a channel control signal to tune a broadcast receiver to a station channel upon which the broadcast content is presented, the broadcast content being broadcast by one or more broadcast networks... wherein the one or more broadcast networks are at least one of a television network, cable television network, satellite television network, radio network, and satellite radio network," an interactive receiver that receives a query from a client transmitter through a network separate from the one or more broadcast networks, wherein the query concerns a question about a selected

portion of the broadcast content,” and “an interactive transmitter that transmits a response to the query to a client receiver that processes the response through the network separate from the one or more broadcast networks,” as recited in independent claim 79, and similarly recited in independent claims 89, 97, 107, 112, 118, 123, 132, and 138.

Therefore, Applicant asserts that independent claims 79, 89, 97, 107, 112, 118, 123, 132, and 138 contain allowable subject matter. Claims 80-88, 90-96, 98-106, 108-111, 113-117, 119-122, 124-131, 133-137, and 139-142 depend from independent claims 79, 89, 97, 107, 112, 118, 123, 132, and 138 and therefore also contain allowable subject matter. Accordingly, Applicant requests that the rejections under 35 U.S.C. §103 (a) be withdrawn.

CONCLUSION

Having addressed all rejections and objections, Applicant respectfully submits that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited. If necessary, the Commissioner for Patents is authorized to charge or credit the **Prass LLP**, **Account No. 50-4082** for any deficiency or overpayment.

Respectfully submitted,

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